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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,919	09/27/2001	Ram Baboo Gupta	01005-00	3204

7590 03/06/2003
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EXAMINER
BALASUBRAMANIAN, VENKATARAMAN

ART UNIT PAPER NUMBER
1624

DATE MAILED: 03/06/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/964,919

Applicant(s)

GUPTA ET AL.

Examiner

Venkataraman Balasubramanian

Art Unit

1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 12-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8. 6) ☐ Other: _____

DETAILED ACTION

Applicants' response, which included amendment to claim 1, filed on 12/23/2002, is made of record.

Claims 1-19 are pending, of which claims 12-19 are withdrawn as noted in paper # 4. Claims 1-11 are active in the case.

In view of applicants' response, prior art 102 rejection over GB 1,107,143 made in the previous office action has been obviated. In addition, applicants assertion that Gupta et al. and the instant invention are commonly owned, 103 rejection over Gupta et al. made in the previous office is withdrawn. However, the following rejection remains.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardy et al. US 3,118,887 for reasons of record. To repeat:

Hardy et al. teach a several tris aryl-triazinyl compounds for the use as UV stabilizers for polymeric material. See formula I and preferred formula II on col. 1-2. Note the definition of X, Y, Z includes naphthyl and the substituents in the aryl ring include a hydroxyl ortho to the point of attachment to triazine. Note Hardy et al. teach the process of making these compounds on col.2 line 64-72 and col. 3 lines 1-13. Particularly, note Hardy et al. teaches, for unsymmetrical trisaryl substituted triazines,

isolation of intermediates particularly, bisaryl chloro triazine. See col. 5-10 for the experimental conditions. Note the explicit teaching of one or more equivalents of the aromatic compound with cyanuric chloride and then use of the intermediate for further reaction. See Examples 2, 4, 8 and 12 for experimental details.

Instant claims require a trisubstituted triazine with one naphthyl group with a hydroxyl ortho to the point of attachment, an aryl group which of formula II and another group TZ. Hardy differs from the instant claims in showing examples of tris 2-hydroxynaphthyl-triazine and several mono, di and tri phenolic-triazines.

However, Hardy et al. teaches equivalency of those compounds exemplified in the examples with those claimed in the definition of X, Y, Z groups and the various variable groups on them. See col. 1-2.

Thus it would have been obvious to one having ordinary skill in the art at the time of the invention was made to make compounds variously substituted in triazine ring and the aryl ring as permitted by the reference and expect resulting compounds to possess the uses taught by the art in view of the equivalency teaching outline above.

Applicants' traversal to overcome this rejection is not persuasive.

Applicants argue that there is no description anywhere in Hardy that teaches or suggests the equivalency of mono and tris(2-hydroxynaphthyl)-triazine and that examiner (PTO) has not pointed out the location where such teaching or suggestion appears in the prior art.

Contrary to applicants' above urging, Hardy et al. clearly teaches two distinct method of making trisubstituted triazines as indicated by the examiner in the above

rejection. Note examiner points out col. 1 and col. 2. As can be seen in col. 2 lines 32-63, Hardy teaches hydroxynaphthyl as aryl substituents and col. 2, line 64 through col. 3, 1-21 teaches asymmetrically substituted triazines. Contrary to applicants urging there is a specific recitation of hydroxynaphthyl group and clear-cut teaching for making both symmetrical and asymmetrical triazines. Thus it is clear that there is equivalency teaching.

Hence this rejection is proper and is maintained.

Allowable Subject Matter

Claims 7-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Said claims would be allowed since specific dimeric, trimeric and tetrameric trisubstituted triazines embraced in these claims are not taught or suggested by the art of record or from a search in the relevant art area.

As for rejoinder issue, the claims 1-11 are not yet in condition for allowance.

References cited in the Information Disclosure Statement (paper# 8) are made of record except for Hardy et al., which is a duplicate reference already in record.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

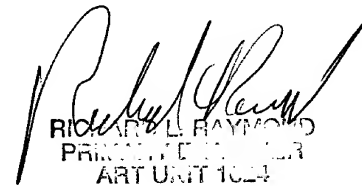
Any inquiry concerning this communication from the examiner should be addressed to Venkataraman Balasubramanian (Bala) whose telephone number is (703) 305-1674. The examiner can normally be reached on Monday through Thursday from 8.00 AM to 6.00 PM. The Supervisory Patent Examiner (SPE) of the art unit 1624 is Mukund Shah whose telephone number is (703) 308-4716. The fax phone number for the organization where this application or proceeding is assigned (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

VM

V. Balasubramanian

3/5/2003


RICHARD L. RAYMOND
PRINCIPAL EXAMINER
ART UNIT 1624